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September 4, 2009

Harry F. Cole, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209-3801

Re: Florida International University
WRGP(FM), Homestead, Florida
Facility Identification Number: 21777
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed September 3, 2009, on behalf of Florida International University ("FIU"). FIU requests special temporary authority ("STA") to operate Station WRGP with temporary facilities.¹ In support of the request, FIU states that the ownership of the tower which supports the WRGP antenna has changed and the lease has expired. FIU states that the new owner has not offered to renew the lease under reasonable terms, requiring WRGP to vacate the site. FIU states that it is in negotiation for a new permanent site, and proposes to operate with temporary facilities pending final approval and issue of a construction permit for the new permanent location.

STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service² to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area³ without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA.

Our review indicates that, as filed, the proposed STA operation would result in substantial extension of the 60 dBu contour beyond the licensed contour. However, if the proposed directional antenna is rotated to an azimuth of 225°, instead of 45° as proposed, the extension would be greatly reduced. STA will be granted with an antenna rotation of 225°.

Accordingly, the request for STA IS HEREBY GRANTED, with modification as discussed above. Station WRGP may operate with the following facilities:

Geographic coordinates:	25° 35' 31" N, 80° 21' 54" W (NAD 1927)
Channel	201 (88.1 MHz)
Effective radiated power:	0.1 kilowatt (Max-DA, V only)
Antenna manufacturer and type:	BEXT, Inc., Log R FM, directional

¹ WRGP is licensed for operation on Channel 201A (88.1 MHz) with effective radiated power of 0.165 kilowatt (H&V) and antenna height above average terrain of 129 meters.

² For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

³ For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

Antenna rotation:	225° True
Antenna height:	
above ground:	10 meters
above mean sea level:	13 meters
Above average terrain:	13 meters

FIU must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310. It is anticipated that an application for construction permit will be filed prior to the expiration date below.

This authority expires on **March 4, 2010**.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Florida International University